

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, January 27, 2010, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, January 13, 2010 Worksession.

Action: Approved, (WSB/SBB, 4-0).

2. **A-6290, Appeal of Charles Copeland** (Department of Permitting Services (DPS) – Letter dated March 4, 2009). Letter to the Board from Larry Gordon, Esquire, withdrawing the administrative appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the administrative appeal as withdrawn; (2) granted 50% (\$100.) refund of the filing fee, (CJS/WSB, 4-0).

3. **CBA-1383, Petition of Tilden Woods Recreation Association** (community swimming pool). Letter to the Board from B. J. Sadoff requesting that his daughter's name be redacted from the record.

Action: Referred Mr. Sadoff's letter to the Office of the Hearing Examiner, consensus.

4. Pending Item. **S-289-B, Petition of Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Susan Valenstein, President, submitting minutes from the Community Liaison Council meetings, proposed landscape plan request, and a letter from M-NCPPC Environmental Planning. Also included is an administrative modification request from Ms. Valenstein.

Action: (1) Re-open the record to include letters from Ms. Valenstein and the M-NCPPC Environmental Planning; (2) granted administrative modification of the Worksession request dated 10/7/09 to permit the replacement of dead or dying plantings, (SBB/WSB, 4-0); (3) denied administrative modification of the Draft Landscape Alteration Process in the Worksession request dated 1/27/10, (CJS/WSB, 3-1/SBB/grant).

5. **S-1186, Petition of Harriet Berger** (child day care facility). Memorandum from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (CJS/WSB, 4-0).

6. **S-2237, Petition of Manor Healthcare Corporation t/a Spring House Assisted Living Facility** (domiciliary care home). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as never implemented, (SBB/WSB, 4-0).

7. **S-2648, Petition of Metropolitan Washington Orthodox Seniors Housing, Inc.** (housing for the elderly and the handicapped). Letter to the Board from Jody Kline, Esquire, requesting an extension of time.

Action: Granted the extension of time, (CJS/SBB, 4-0).

8. Pending Item. **S-2504, Petition of Sunrise Development, Inc.** (housing for the elderly and handicapped). Letter from Roger Waterstreet, Sign Review Board, DPS. Also included is a request for administrative modification from Victoria Khomutetsy.

Action: (1) Re-opened the record to include Mr. Waterstreet's and Ms. Khomutetsy's letters; (2) granted the administrative modification, (SBB/WSB, 4-0).

9. **S-2656, Petition of Baywood Hotels, Inc.** (hotel). Letter to the Board from Patricia Harris, Esquire, requesting an administrative modification. [Large exhibits: site plan, landscape plan/3 sheets, exterior elevations, exterior elevations details].

Action: Granted the administrative modification, (SBB/WSB, 4-0).

#### **DECISION ITEM:**

10. **S-2754, Petition of Rosalind M. Flynn and Malcolm R. Poulin** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (CJS/SBB, 4-0).

**PENDING ITEMS:**

11. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
12. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
13. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
14. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].
15. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
16. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
17. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
18. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [W/W 10/7/09].

**Board Members**

Catherine G. Titus, Chair – ABSENT  
David K. Perdue, Vice Chair  
Walter S. Booth  
Carolyn J. Shawaker  
Stanley B. Boyd

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist